

MEETING MINUTES

EMPIRE STATION COMPLEX COMMUNITY ADVISORY COMMITTEE WORKING GROUP

DATE/TIME: August 3, 2021 / 4:00pm EST

SUBJECT: CACWG Feedback

WEEK #: 12

MEETING LEADER: CACWG (with ESD and MTA)

*The following minutes prepared by Empire State Development (ESD) are a summary of the meeting and are intended to capture only the main points made in the meeting. Discrepancies should be reported to Gabriella Green at ESD **within three (3) calendar days** of distribution of this document.*

PARTICIPANTS:

NAME	ORGANIZATION / AGENCY	NAME	ORGANIZATION / AGENCY
Sen. Brad Hoylman	NYS Senator	Vikki Barbero	Community Board 5
Hon. Gale Brewer	Manhattan Borough President	Layla Law-Gisiko	Community Board 5
Betsy Schmid	U.S. Congresswoman Carolyn Maloney	Clayton Smith	Community Board 5
Robert Atterbury	U.S. Congresswoman Jerrold Nadler	Julia Campanelli	Hell's Kitchen Block Association
Maia Berlow	NYS Senator Brad Hoylman	Eugene Sinigalliano	Resident Representative
Johanna Garcia	NYS Senator Robert Jackson	Wendy Hilliard	Women's Sports Foundation
Wendi Paster	NYS Assemblyman Richard Gottfried	Tokumbo	New School
Matt Tighe	NYS Assemblyman Richard Gottfried	Shobowale	
Lizette Chaparro	Manhattan Borough President's Office	Marilyn Taylor	University of Pennsylvania
Laurie Hardjowirogo	NYC Councilman Corey Johnson	Peter Matusewitch	MTA
Raju Mann	NYC Council	Robert Paley	MTA
Kevin Finnegan	Labor lawyer, formerly 1199	Todd DiScala	NJ Transit
Marrissa Williams	32BJ	Petra Messick	Amtrak
Gary LaBarbera	Building & Construction Trades Council of NY	Ryan Morson	Amtrak
Santos Rodriguez	Building & Construction Trades Council of NY	Craig Schulz	Amtrak
Basha Gerhards	Real Estate Board of New York	Sharon Tepper	Amtrak
Brook Jackson	Partnership for New York City	Beth Zall	Amtrak
Dan Pisark	34 th Street Partnership	Jennifer Sta. Ines	NYC DOT
Fred Cerullo	Grand Central Partnership	Stephan Johnson	NYC Department of Planning
Elizabeth Goldstein	The Municipal Art Society of NY	Joshua Simoneau	NYC Department of Planning
Tom Wright	Regional Plan Association	Rich Wang	NYC Department of Planning
Liam Blank	Tri-State Transportation Campaign	Josh Kraus	NYCEDC
Renae Reynolds	Tri-State Transportation Campaign	Tom Rousakis	Ernst & Young
Hope Knight	Greater Jamaica Development Corporation	Chi Chan	AKRF
Christine Berthet	Community Board 4	Connor Lacefield	AKRF
Paul Devlin	Community Board 4	Deniz Onder	FX Collaborative
Jeffrey LeFrancois	Community Board 4	John Schuyler	FX Collaborative
Lowell Kern	Community Board 4	Amy Shell	FX Collaborative
Layla Law-Gisiko	Community Board 5	Toby Snyder	FX Collaborative
		Colin Montoute	WXY
		Claire Weisz	WXY

NAME	ORGANIZATION / AGENCY	NAME	ORGANIZATION / AGENCY
Judy Kessler	Vornado		
Barry Langer	Vornado		
Carl Weisbrod	Vornado (Consultant)		
Audrey Wilson	Vornado		
Terence Cho	ESD		
Anabel Frias	ESD		
Gabriella Green	ESD		
Holly Leicht	ESD		
Phil Maguire	ESD		
Marion Phillips	ESD		
Angel Santana	ESD		
Rachel Shatz	ESD		
Noura von Briesen	ESD		
Jane Wiesenberg	ESD		

Location: Zoom

Item # Description / Discussion

1. INTRODUCTION AND HOUSEKEEPING MATTERS

- Marion Phillips, Senior VP of Community Relations at ESD, thanked the CACWG for its participation in the CACWG process and explained that ESD and its partner agencies will absorb the feedback to be presented by the CACWG and respond at a future date.

2. CACWG PRESENTATION: CACWG PROCESS TO DATE, GOALS, AND FOCUS AREAS

- Raju Mann, Director of Land Use at the NYC Council, summarized the meetings held since the CACWG was created as an expansion of the CAC, including 11 CACWG meetings and two town halls hosted by the Community Boards and local elected officials.
- He listed the goals for the Empire Station Complex (“ESC”) project and Penn Station district as:
 - Deliver a world class train station/transit node
 - Build a thriving commercial and increasingly mixed-use district
 - Create an inviting, safe, and dynamic public realm
 - Improve coordination across the entities which are involved in the future of the district
 - Engage stakeholders to fashion a durable consensus to hold agencies accountable and ensure project success
- The CACWG’s recommendations document has seven focus areas:
 - Governance/Engagement
 - Transportation
 - Public Realm
 - 2 Penn & MSG
 - Human Assets
 - Development Framework
 - Financing

3. CACWG RECOMMENDATIONS: GOVERNANCE/ENGAGEMENT

- A single entity should be responsible for coordinating projects/plans in the Penn district across jurisdictional boundaries. This entity could be a development corporation.
- A clear process for information flow and public feedback on other elements of the Empire Station Complex vision is needed for:
 - Existing Penn redevelopment
 - Penn expansion
 - Public realm

Item #	Description / Discussion
	<ul style="list-style-type: none"> Additional community engagement in development decisions is needed. The Community Boards recommend that the Project go through ULURP.
4. <u>CACWG RECOMMENDATIONS: TRANSPORTATION</u>	<ul style="list-style-type: none"> The visibility of Penn Station would be most enhanced by reinforcing the presence of station entrances on the avenues, particularly Seventh and Eighth Avenues, more than mid-blocks. Block 780 should have a significant train hall presence at grade in concert with any new development. The location and integration of transit entrances need to be an integral part of a holistic public realm strategy to ensure pedestrian flows are logical and clear. The Penn district needs to be a multi-modal area with significant expansion of space for walking, buses, bikes, and bike parking. The plans for Penn Expansion and Penn Reconstruction should enable future through-running. All non-condemnation alternatives for expansion must be analyzed, including: <ul style="list-style-type: none"> ➤ Through-running in existing Penn Station ➤ Deep cavern that would alleviate the need for demolition of buildings
5. <u>CACWG RECOMMENDATIONS: PUBLIC REALM AND SURFACE TRANSPORTATION</u>	<ul style="list-style-type: none"> A public realm plan should be created with input from local stakeholders and NYC Department of Transportation (“DOT”). The plans for future development in the Penn district need to prioritize public realm improvements and funding dedicated to public realm improvements. Operations for Madison Square Garden (“MSG”) need to be eliminated from the public right-of-way. New developments in the Penn district should be required to have at-grade passageways where possible.
6. <u>CACWG RECOMMENDATIONS: 2 PENN & MSG</u>	<ul style="list-style-type: none"> The main entrance to Penn Station on Seventh Avenue should be reconceived and serve solely as a public transit entrance and not as an entrance to private buildings. The best solution for the district is to move MSG. If MSG cannot be moved, it needs to pay property taxes to help fund the transit improvements and improve the streetscape around Penn Station.
7. <u>CACWG RECOMMENDATIONS: DEVELOPMENT FRAMEWORK</u>	<ul style="list-style-type: none"> Decisions about density and FAR should be driven by urban design considerations and not by revenue-generating potential. Protection of view corridors to the Empire State Building from the west for wayfinding should be included in the urban design plan of the district. Significant affordable residential development should be a part of the ESC plan on more than one site. If possible and if it would lead to the construction of more affordable housing, the Multiple Dwelling Law should be amended to allow for a higher density than 12 FAR. The public realm plan needs to include ground level controls so that buildings respond to and are built around open spaces. Community facility spaces that address community needs need to be incorporated into future buildings, especially on Block 780. The density proposed on Blocks 780 and 754 needs to be reduced. In addition, construction of a train hall and transit entrances should be prioritized on Block 780. Commercial lobbies should not be built on avenues.
8. <u>CACWG RECOMMENDATIONS: HUMAN ASSETS</u>	<ul style="list-style-type: none"> The residents and businesses on the blocks south of Penn Station (Sites 1, 2, and 3) should have as many protections as possible. On-site relocation at the same affordability level should be provided for existing residents.

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	<ul style="list-style-type: none"> • A relocation plan needs to be created for small businesses and local retail. • The new buildings in the Penn district should set aside space for critical social services.
9.	<u>CACWG RECOMMENDATIONS: FINANCING</u>
	<ul style="list-style-type: none"> • Public benefits must be maximized at the least amount of taxpayer risk. • Other revenue sources beyond PILOTs should be identified to ensure a mix of funding sources. • Additional development rights should be priced based on projected market values subject to annual market adjustments. • Any PILOT structure should ensure at a minimum the preservation of the existing city tax revenue in this district. • MSG should pay market-rate property taxes. • A portion of the federal, state and local funding should be dedicated to public realm improvements.
10.	<u>Q&A AND COMMENTS</u>
	<ul style="list-style-type: none"> • Manhattan BP Gale Brewer <ul style="list-style-type: none"> ➤ Did Claire Weisz’s presentation provide enough detail to create an open space plan for the Penn District? <ul style="list-style-type: none"> ○ Marilyn Taylor responded that Claire’s presentation was a great start to a creative engagement and design process for the public realm in the Penn District. This process should involve the City of New York, DOT and be coordinated across Penn Station, Gateway, and GPP projects. • Sen. Brad Hoylman <ul style="list-style-type: none"> ➤ Sen. Hoylman thanked the CACWG members and ESD for participating and being engaged in the workshop process. • Tokumbo Shobowale, New School <ul style="list-style-type: none"> ➤ The agencies and stakeholders involved need to be coordinated for what will be a decades-long process. The parties also need to come together quickly to create an organized plan to seize the current opportunity for federal funding. • Robert Atterbury, Rep. Nadler <ul style="list-style-type: none"> ➤ The Steering Committee will put together a public statement on the CACWG’s recommendations and next steps for the CACWG’s involvement in the ESC Project.
11.	<u>ESD UPDATE: NEXT STEPS</u>
	<ul style="list-style-type: none"> • Holly Leicht, Executive VP of Real Estate Development & Planning at ESD, thanked the CACWG for its thoughtful and substantive comments and said that the ESD team has already started digging into the CACWG’s recommendations. • ESD has started thinking about project governance and recognizes the long-term need to integrate and effectively govern the separate but related projects in the Penn area. ESD will work with the Railroads (MTA, Amtrak, and NJ Transit) and the City of New York to consider this question. • The CACWG will reconvene in September when ESD is ready to present proposed revisions to the plan in response to the CACWG’s recommendations. These revisions will co-exist with the original DEIS, draft GPP and draft design guidelines and will be presented at the forthcoming public hearing for comment.
12.	<u>MTA UPDATE: NEPA STATUS</u>
	<ul style="list-style-type: none"> • Peter Matusewitch, VP at MTA Construction & Development and Project CEO for the Penn Station Master Plan, said that MTA is also reviewing the CACWG’s report. • MTA hopes to release the preliminary Alternatives Analysis Report for Penn Expansion (“Alternatives Analysis”) by the end of August 2021 as part of the National Environmental Policy Act (“NEPA”) process, followed by a 30-day comment period on the Alternatives Analysis. A follow-up public meeting on the

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	<p>Alternatives Analysis would be scheduled in September, with the release of the final Alternatives Analysis expected in October.</p> <ul style="list-style-type: none"> Following the release of the final Alternatives Analysis, Federal Railroad Administration (“FRA”) is expected to release a Notice of Intent (“NOI”), which will kick off the draft environmental impact statement process. FRA has not yet given MTA a date for the release of the NOI, but if this schedule holds, MTA would expect it to be released before the end of 2021. Along with the NOI, FRA will release a Draft Scope of Work (“Draft Scope”). A public hearing and a 30-day public comment period would be held on the Draft Scope followed by the release of the Final Scope of Work including responses to public comments on the Draft Scope. Following the release of the Final Scope of Work (“Final Scope”), a DEIS on Penn Expansion would be released, followed by a public hearing and 30-day public comment period. A final EIS (“FEIS”) would be released after the public hearing and comment period which would include responses to comments on the DEIS. The typical timeframe for a NEPA review is two years from the time the NOI is issued.
13. Q&A AND COMMENTS CONTINUED	
	<ul style="list-style-type: none"> Elizabeth Goldstein, MAS <ul style="list-style-type: none"> ➤ What is the timing for the public hearing on ESD’s DEIS and GPP? <ul style="list-style-type: none"> ○ ESD tentatively is planning to hold the public hearing on the draft GPP and DEIS in October. A 30-day public comment period would follow the public hearing. ESD expects to release the FEIS, including responses to comments on the DEIS, and the final GPP early next year. Paul Devlin, CB4 <ul style="list-style-type: none"> ➤ Is the MTA’s environmental review process under NEPA? <ul style="list-style-type: none"> ○ Yes. Christine Berthet, CB4 <ul style="list-style-type: none"> ➤ When will the environmental review of the Penn Reconstruction plans take place? <ul style="list-style-type: none"> ○ The Railroads do not yet have a date for the review of the Penn Reconstruction because the Railroads are still in discussions regarding the plan. In any event, a NEPA review of the Penn Reconstruction plan will be necessary. FRA may incorporate the Penn Reconstruction review into the Penn Expansion review or establish a separate review process, most likely requiring an Environmental Assessment as opposed to a full EIS. ➤ Will the planning for the public realm be part of the GPP, NEPA or Environmental Assessment processes? <ul style="list-style-type: none"> ○ The planning for the public realm is part of the GPP process but ultimately will need to be considered by all the partner agencies and the community as they evaluate the interaction between the below-grade and above-grade developments. Jeffrey LeFrancois, CB4 <ul style="list-style-type: none"> ➤ What is ESD’s goal for the DEIS and GPP public hearing? <ul style="list-style-type: none"> ○ ESD will present the proposed revisions based on the CACWG’s recommendations and will receive comments on both the proposed revisions as well as the original DIES, draft GPP, and draft Design Guidelines. ➤ If you are presenting both the existing GPP scenario and proposed revisions, will the public be able to comment on both and could ESD move forward with either scenario? <ul style="list-style-type: none"> ○ Because the DEIS and draft GPP have already been released, the public will be able to comment on the original documents as well as the proposed revisions that will be presented at the public hearing. ESD will only present the proposed revisions to the plan at the public hearing. ○ Rachel Shatz, Vice President of Planning & Environmental Review at ESD, explained that ESD staff often presents a plan to the ESD Directors for certification of the FEIS and

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	affirmation of the final GPP that has been modified from the DEIS and draft GPP as a result of public comment and feedback.
•	<p>Julia Campanelli, Hells Kitchen Block Association</p> <ul style="list-style-type: none"> ➤ It seems like presenting two plans at the public hearing could lead to confusion and could be seen as disingenuous. <ul style="list-style-type: none"> ○ At the public hearing, ESD will present only the proposed revisions responding to the CACWG's recommendations. However, if someone submits a comment on the original scenario from the DEIS or draft GPP, ESD is required to review and respond to that comment.
•	<p>Christine Berthet, CB4</p> <ul style="list-style-type: none"> ➤ When will the DEIS be amended to reflect the proposed revisions and when can the public comment on them? <ul style="list-style-type: none"> ○ The proposed revisions will be analyzed in the period between the public hearing and the release of the FEIS. The public may comment on plan analyzed in the original DEIS or on the proposed revisions that will be further analyzed in preparing the FEIS.
•	<p>Layla-Law-Gisiko, CB5</p> <ul style="list-style-type: none"> ➤ Will we have an opportunity to comment on the FEIS? <ul style="list-style-type: none"> ○ The public may comment on the FEIS, but there is no official comment period for the FEIS. The public may also comment on the FEIS and final GPP and Design Guidelines at the ESD Directors' meetings when the FEIS is presented for certification and/or when the Directors are requested to authorize the SEQRA findings and affirm the final GPP and Design Guidelines.
•	<p>Raju Mann, NYC Council</p> <ul style="list-style-type: none"> ➤ If AKRF has any early analysis of the impacts of the proposed revisions, it would be helpful to have them presented at the September CACWG meeting. <ul style="list-style-type: none"> ○ ESD will work with AKRF to flag items that will need additional analysis. Overall, it is anticipated that the proposed revisions will result in fewer impacts than the DEIS studied.
•	<p>Gene Sinigalliano, Resident</p> <ul style="list-style-type: none"> ➤ ESD and the Railroads need to consider seriously protection for residents, particularly if they are to be displaced as a result of Penn Expansion.